

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

Paper No. 16

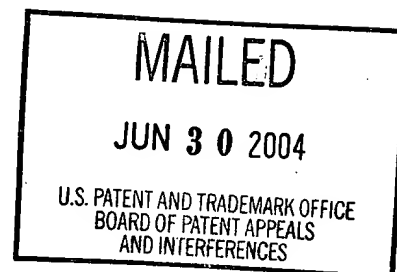
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KENNETH E. FLICK

Appeal No. 2003-0571
Application 09/650,425

ON BRIEF



Before THOMAS, RUGGIERO, and BARRY, Administrative Patent Judges.
THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellant has appealed to the Board from the examiner's final rejection of claims 1-30.

Representative claim 1 is reproduced below:

1. A vehicle security system comprising:

at least one security sensor and a security controller connected thereto;

a siren comprising

a housing,

a siren electrical signal generator circuit carried by said housing for generating an electrical siren security alarm signal responsive to said security controller,

a shock detector circuit carried by said housing for processing an electrical shock sense signal for said security controller, and

an electrical/mechanical (E/M) transducer carried by said housing for sounding a siren security alarm responsive to the electrical siren security alarm signal, and for generating the electrical shock sense signal responsive to mechanical shock.

The following references are relied on by the examiner:

L'Esperance et al. (L'Esperance)	5,543,776	Aug. 6, 1996
Suda	5,990,785	Nov. 23, 1999
Mueller et al. (Mueller)	6,140,914	Oct. 31, 2000
	(filing date of Feb. 19, 1998)	

Claims 1-30 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Mueller alone as to claims 1, 3, 5-7, 9-11, 13, 15-17, 19, 21-23, 25, and 27-29.¹ As to claims 2, 12, 20 and 26, the examiner relies upon Mueller in view of Suda. Finally, as to claims 4, 8, 14, 18, 24 and 30, the examiner relies upon Mueller in view of L'Esperance.

¹ Although page 4 of the answer includes claim 12 rather than claim 13 in this first stated rejection, page 2 of the final rejection indicates that claim 13 instead of claim 12 is clearly intended. Claim 12 is a part of the second stated rejection.

Rather than repeat the positions of the appellant and the examiner, reference is made to the brief and reply brief for appellant's positions, and to the answer for the examiner's positions.

OPINION

For the reasons set forth by the examiner in the answer, we sustain the rejection of all claims under 35 U.S.C. § 103 as embellished upon here.

It is noted that the top of page 4 of the brief states that "claims 1-30 are grouped together." No arguments are presented between pages 4 and 6 of the brief distinguishing the subject matter of any claim on appeal, while considering the commonality of the subject matter of independent claims 1, 11, 19 and 25 at the bottom of page 6 of the brief. Thus, no arguments are presented as to the second and third stated rejections of various dependent claims. It is further noted that the subject matter of independent claims 19 and 25 are somewhat broader than the subject matter of independent claims 1 and 11 on appeal in that the at least one security sensor and a security controller of claims 1 and 11 are not recited in independent claims 19 and 25.

The only dispute between appellant and examiner is that Mueller does not specifically disclose the use of a housing for carrying the siren generator, shock detector and transducer for causing the siren to sound. Figure 1 of Mueller shows the overall arrangement of Mueller's security system 10. There is disclosed in Figure 1 three audio generators/sirens, 33, 81 and 120. The motion sensor 64 in Figure 1 is depicted in various Figures 9, 10, 12, 13, and 15 as shock sensors, which have their own housing/container 226 in Figure 9 and 232 in Figure 10, as well as assembly 250 in Figures 13 and 15.

It is also further noted that a single housing for a receiver/controller 14 is shown in Figures 1, 5, 6, 8, 16, 21 and 22. It appears that all the electronics for the various controls are contained within this housing 14 the details of which are depicted within Figure 7.

On the basis of these teachings and showings in Mueller, we agree with the examiner's views expressed at pages 4 and 5 regarding the examiner's rationale of integration of the components such as to conclude that it would have been obvious for the artisan to have provided a housing for the other components of the alarm system as a whole in order to protect them from damage due to the harsh environment within an engine

compartment and various positioning factors such as moisture, rocks, tar, engine heat, etc.

Although the examiner's reliance upon In re Larsen, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) may be considered a per se argument of unpatentability, as a whole, the examiner's rationale of integration is persuasive. As noted by the examiner, no rationale has been presented to us in the brief or disclosed that any unexpected results result from placing all the claimed components within a housing. The examiner rightly considers the obviousness of the use of a housing for the various components "based on such factors as whether a new vehicle was used or alarm was a retro-fit, available space in engine compartment, desirability for replacement of a whole system for maintenance verses replacement of individual elements, and other considerations." Significantly, in the context of Mueller's disclosure, it is revealed at the top of column 1 that the field of invention is "a vehicle security system which is adapted for use with a second and pre-existing security system," as expressed at lines 10 and 11. With this context in mind, the examiner's reasoning of integrating various components into a single housing is well-taken, particularly for an initial rather than a retro-fit installation.

As noted earlier, appellant's arguments in the brief make no assertion that the features recited in the independent claims 1, 11, 19 and 25 on appeal are not taught or suggested in Mueller except for the housing limitation. As to these claims themselves, the preamble indicates that the security system "comprises" various components and the siren itself is stated to "comprise" various components. In this context, therefore, the claims on appeal do not limit themselves by the use of the word "comprising" to only the recited elements but permit the recitation of other housings to comprise other components. Moreover, the recitation "a housing" does not recite itself a single housing comprising the named components.

In view of the examiner's earlier-stated rationale in the answer, our own observations as to the nature of the manner in which the subject matter of the claims is actually presented on appeal, and our own observations as to Mueller itself, we are unpersuaded by appellant's urging at page 6 of the brief that the examiner has exercised impermissible hindsight and that Mueller teaches away from the claimed invention. Clearly, when properly considered in the context of our observations in this opinion, Mueller cannot be reasonably considered to teach away or

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otherwise discourage the artisan from following the rationale of the examiner.

Finally, we make special note of the examiner's observation at the bottom of page 7 of the answer that "the housing limitation is broad enough to be read on by the body structure of the vehicle itself. The vehicle chassis and body house all the claimed components." Appellant's reply brief presents no line of reasoning addressing this observation of the examiner.

In view of foregoing, the decision of the examiner rejecting claims 1-30 under 35 U.S.C. § 103 is affirmed.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

James D. Thomas
Administrative Patent Judge

Joseph F. Ruggerio
Joseph F. Ruggerio
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
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~~Lance Leonard Barry~~
~~Administrative Patent Judge~~

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